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Dated: December 15, 2004 Signature: *Argina Matos* Argina Matos

DT19 Rec'd PCT/PTO 15 DEC 2004

PTO-1390 (Rev. 12-2004)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 254082000100
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/512,024
INTERNATIONAL APPLICATION NO. PCT/IL03/00312	INTERNATIONAL FILING DATE 15 April 2003	PRIORITY DATE CLAIMED 19 April 2002
TITLE OF INVENTION $\beta$ -AGONIST COMPOUNDS COMPRISING NITRIC OXIDE DONOR GROUPS AND REACTIVE OXYGEN SPECIES SCAVENGER GROUPS AND THEIR USE IN THE TREATMENT OF RESPIRATORY DISORDERS		
APPLICANT(S) FOR DO/EO/US Abdullah I. HAJ-YEHIA		

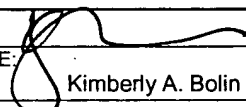
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☐ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - ☐ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76. (Supplemental) - 2 pages
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: 1. Communication (2 pages); 2. marked-up specification (105 pages); and 3. Return Receipt Postcard

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/512,024		INTERNATIONAL APPLICATION NO. PCT/IL03/00312		ATTORNEY'S DOCKET NUMBER 254082000100	
21. The following fees are submitted:					
<input type="checkbox"/> a) Basic national fee ..... \$300.00				\$	0.00
<input type="checkbox"/> b) Examination fee ..... \$200.00				\$	0.00
<input type="checkbox"/> c) Search fee ..... \$500.00				\$	0.00
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	0.00
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	117 - 117 =	0	x 18.00	\$	0.00
Independent claims	5 - 5 =	0	x 88.00	\$	0.00
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+ 300.00	\$	0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	0.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	0.00
<b>SUBTOTAL =</b>				\$	0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$ 0.00
<b>TOTAL NATIONAL FEE =</b>				\$	0.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$ 0.00
<b>TOTAL FEES ENCLOSED =</b>				\$	0.00
				Amount to be refunded:	\$ 0.00
				Amount to be charged:	\$ 0.00
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
				SIGNATURE	
				NAME	Kimberly A. Bolin
CUSTOMER NUMBER: 25226				REGISTRATION NUMBER	44,546

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Dated: December 15, 2004 Signature: \_\_\_\_\_

*Georgina Matos*  
(Georgina Matos)

Docket No.: 254082000100  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Abdullah I. HAJ-YEHIA

US Application No.: 10/512,024

Art Unit: Not Yet Assigned

International App. No.: PCT/IL03/00312

Examiner: Not Yet Assigned

International Filing Date: April 15, 2003

For:  $\beta$ -AGONIST COMPOUNDS COMPRISING  
NITRIC OXIDE DONOR GROUPS AND  
REACTIVE OXYGEN SPECIES SCAVENGER  
GROUPS AND THEIR USE IN THE  
TREATMENT OF RESPIRATORY  
DISORDERS

**COMMUNICATION**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Co-filed herewith please find a marked-up copy of the specification of the above-referenced application filed on October 19, 2004. The marked-up specification indicates changes between International App. No.: PCT/IL03/00312 and the substitute specification filed on October 19, 2004 (USSN 10/512,024). For the Office's convenience we note that the only amendments present in the substitute specification are in the "Claims" section of the substitute specification.

Should any additional documentation be required, or should the Office require any clarification, please contact the undersigned.

Applicants do not believe any fees are due in connection with this Communication to the Office. However, in the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **254082000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 14, 2004

Respectfully submitted,

By 

Kimberly A. Bolin

Registration No.: 44,546

MORRISON & FOERSTER LLP

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